

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611(2) (b).

MONDAY, JANUARY 13, 2014

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 14, 2014.

TUESDAY, JANUARY 14, 2014

[Audiofile](#)

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

Chairman Holmquist led the Pledge of Allegiance.

Chairman Holmquist opened public comment on matters within the Commissions' Jurisdiction.

Mayre Flowers, Executive Director with Citizens for a Better Flathead summarized the following letter concerning MCA Statute.

PO Box 771 • 35 4th Street West
Kalispell, Montana 59903



T: 406.756.8993 • F: 406.756.8991
citizens@flatheadcitizens.org

1/14/2014

To: Flathead County Commissioners
Flathead County Attorney
Flathead County Planning Director

Re: Authorization to Publish Notice of Public Hearing: Multiple Text Amendments 2014 / Flathead County Zoning Regulations

Citizens for a Better Flathead would like to formally request that you postpone and reschedule the agenda item titled: Authorization to Publish Notice of Public Hearing: Multiple Text Amendments 2014 / Flathead County Zoning Regulations, which is on your agenda for today, as well as any other hearings that may not have been scheduled in accordance with MCA 76-2-205.

Compliance with **MCA 76-2-205 (see attached)** establishes that a zoning hearing shall be scheduled:

- And that notice of such hearing be posted not less than 45 days before the public hearing;
- And that the notice must state the proposed zoning regulations are on file for public inspection at the office of the county clerk and recorder.

Additionally, **MCA 76-2-204. Role of planning boards¹** establishes that the county commissioners “shall require the county planning board and the city-county planning board to recommend boundaries and appropriate regulations for the various zoning districts.”

It is important for the public process to work as the legislature intended and as the public has the right to expect under our state constitution for meaningful public participation, that you comply with all sections of MCA 76-2-205. We ask that you consider that it is not possible for you to comply with MCA 76-2-205-1 (a) (iv) if you schedule a public hearing on proposed new zoning before the county commissioners as you are proposing to do today when:

- The planning board public hearing has not taken place, and
- The planning board has not yet formulated and adopted proposed zoning regulations for your consideration, as required, and
- There is no written report from the planning board describing the proposed new regulations and their findings and rationale for the final version of the proposed regulations that the public can review on the first day of the 45-day notice period as required by MCA 76-2-205-1 (a) (iv) and as is necessary to comply with the public’s right to meaningful public participation.

¹ **76-2-204. Role of planning boards.** (1) The board of county commissioners shall require the county planning board and the city-county planning board to recommend boundaries and appropriate regulations for the various zoning districts. The county planning board and the city-county planning board shall make written reports of their recommendations to the board of county commissioners, but such recommendations shall be advisory only.

(2) This section shall apply to either the county planning board or the city-county planning board where only one of these planning boards has been established.

History: En. Sec. 2, Ch. 246, L. 1963; amd. Sec. 17, Ch. 273, L. 1971; R.C.M. 1947, 16-4702.

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To comply with MCA 76-2-205 as a whole you must be able to first comply with MCA 76-2-204 that requires the planning board to complete their review, findings, and to propose zoning changes that can be view and studied by the public on day one of the required 45-day ~~comment~~ ^{notice} period.

You are well aware that Montana statues provide a fundamental right to all citizens to be afforded the opportunity to meaningfully participate in decisions prior to action by local governmental bodies including:

MCA 2-3-101. Legislative intent. The legislature finds and declares pursuant to the mandate of Article II, section 8, of the 1972 Montana constitution that legislative guidelines should be established to secure to the people of Montana their constitutional right to be afforded reasonable opportunity to participate in the operation of governmental agencies prior to the final decision of the agency.

MCA 2-3-111. Opportunity to submit views -- public hearings. (1) Procedures for assisting public participation must include a method of affording interested persons reasonable opportunity to submit data, views, or arguments, orally or in written form, prior to making a final decision that is of significant interest to the public.

(2) When a state agency other than the board of regents proposes to take an action that directly impacts a specific community or area and a public hearing is held, the hearing must be held in an accessible facility in the impacted community or area or in the nearest community or area with an accessible facility.

Additionally Montana courts have held as in the Bryan v. Yellowstone County Elementary School District No. 2, 2002 MT 264, 312 M 257, 60 P3d 381 (2002) case that at a minimum, the "reasonable opportunity" standard articulated in Art. II, sec. 8, Mont. Const., which protects the right to participate, demands compliance with the right to know contained in Art. II, sec. 9, Mont. Const. In the Bryan case the court held that when the school district violated plaintiff's right to know, it reduced what should have been a genuine interchange into a mere formality. Here we would argue that by failing to provide reasonable and timely access to proposed changes to county zoning regulations--- that the public's right to be afforded reasonable opportunity to participate in the operations of governmental agencies prior to the final decision of the agency is being violated as well as the public's constitutional right to know.

For all of these reasons, we ask you to postpone establishing a required 45-day notice of public hearing on changes to the Flathead County Zoning Regulations until you can do so in compliance with **MCA 76-2-205**. And that you review if you have acted in compliance with **MCA 76-2-205** in other related hearings.

Sincerely,

The Board of Citizens for a Better Flathead and
Mayre Flowers, Executive Director

76-2-205. Procedure for adoption of regulations and boundaries. The board of county commissioners shall observe the following procedures in the establishment or revision of boundaries for zoning districts and in the adoption or amendment of zoning regulations:

(1) Notice of a public hearing on the proposed zoning district boundaries and of regulations for the zoning district must:

- (a) state:
 - (i) the boundaries of the proposed district;
 - (ii) the general character of the proposed zoning regulations;
 - (iii) the time and place of the public hearing;
 - (iv) that the proposed zoning regulations are on file for public inspection at the office of the county clerk and recorder;

- (b) be posted not less than 45 days before the public hearing in at least five public places, including but not limited to public buildings and adjacent to public rights-of-way, within the proposed district; and
- (c) be published once a week for 2 weeks in a newspaper of general circulation within the county.

(2) At the public hearing, the board of county commissioners shall give the public an opportunity to be heard regarding the proposed zoning district and regulations.

(3) After the public hearing, the board of county commissioners shall review the proposals of the planning board and shall make any revisions or amendments that it determines to be proper.

(4) The board of county commissioners may pass a resolution of intention to create a zoning district and to adopt zoning regulations for the district.

(5) The board of county commissioners shall publish notice of passage of the resolution of intention once a week for 2 weeks in a newspaper of general circulation within the county. The notice must state:

- (a) the boundaries of the proposed district;
- (b) the general character of the proposed zoning regulations;
- (c) that the proposed zoning regulations are on file for public inspection at the office of the county clerk and recorder;

(d) that for 30 days after first publication of this notice, the board of county commissioners will receive written protests to the creation of the zoning district or to the zoning regulations from persons owning real property within the district whose names appear on the last-completed assessment roll of the county.

(6) Within 30 days after the expiration of the protest period, the board of county commissioners may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for the district. However, if 40% of the real property owners within the district whose names appear on the last-completed assessment roll or if real property owners representing 50% of the titled property ownership whose property is taxed for agricultural purposes under 15-7-202 or whose property is taxed as forest land under Title 15, chapter 44, part 1, have protested the establishment of the district or adoption of the regulations, the board of county commissioners may not adopt the resolution and a further zoning resolution may not be proposed for the district for a period of 1 year.

History: En. Sec. 5, Ch. 246, L. 1963; amd. Sec. 19, Ch. 273, L. 1971; R.C.M. 1947, 16-4705; amd. Sec. 2, Ch. 591, L. 1995; amd. Sec. 8, Ch. 446, L. 2009.

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Leslie Gray a resident of Blacktail Mountain spoke about concerns pertaining to law enforcement for those living in the Blacktail/Lakeside area. She stated she is speaking on behalf of neighbors living on upper and lower Blacktail Road. She explained there is a tremendous increase in traffic, speeding, garbage and general disrespect for the inhabitants both four legged and two legged in the area. Every year when the ski lift opens they have an onslaught of both employees and the general public she noted. She spoke about mixed jurisdiction in the area with one department pawning issues off to another. Gray stated she and others have asked repeatedly for law enforcement presence in the area on a regular basis. She further spoke about a potential trail 30 feet above her property boundary line. Gray asked the commission for their help in getting some law enforcement presence to ensure the residence of Blacktail Mountain have some quality of life left.

Erica Wirtala representing NW Dev Group summarized proposed Trumbull Creek Crossing project, Phases 2-5.

Andy Hyde representing the applicant for NW Dev Group pointed out that after reviewing the staff report a clarification was needed pertaining to a typographical error in the staff report.

Commissioner Krueger pointed out details would be discussed at the public hearing later this morning.

No one else rising to speak, Chairman Holmquist closed the public comment period.

CONSIDERATION OF CIP AMENDMENT: JAIL OVEN/ SHERIFF'S OFFICE

9:54:44 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Sheriff Office Financial Administrator Karen Moore, Detention Commander William Smith, Clerk Kile

Smith reviewed the request to replace the convection oven used to prepare meals for both the adult and juvenile inmate population due to ongoing performance problems. He noted the CIP transfer funds from FY2014 to replace a dishwasher which would ultimately take place in 2020, and also transfer funds from a CIP to replace a transport vehicle in 2020. The total from the two funds would be approximately \$8,550.00 and the expected repair/replacement of the oven would be \$8,300.00.

Commissioner Krueger made a **motion** to approve the CIP amendment for the jail / Sheriff's Office. Commissioner Scott **seconded** the motion. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: EAGLE CREEK, LLC ZONE CHANGE/ BLANCHARD LAKE ZONING DISTRICT

9:57:00 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Planning & Zoning Director B. J. Grieve, Planner Eric Mack, Mayre Flowers, Clerk Kile

Grieve briefly summarized procedures implemented earlier in order to speed up processing zone changes. He recommended in light of comments earlier this morning that the county go back to the way we use to process zone changes.

Commissioner Krueger made a **motion** to cancel items (B) and (C) on the Commissioners Agenda dated January 14, 2014. Commissioner Scott **seconded** the motion. Motion carried unanimously.

AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: MULTIPLE TEXT AMENDMENTS/ FLATHEAD COUNTY ZONING REGULATIONS

See prior motion on Eagle Creek, LLC Zone Change/ Blanchard Lake Zoning District.

CONSIDERATION OF APPROVAL TO FILE CLAIM: DDAVP PHARMACEUTICAL CLASS-ACTION LAWSUIT

9:59:50 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk Kile

Fugina recommended the county join the class action lawsuit by filing a claim involving a pharmaceutical company.

Commissioner Krueger made a **motion** to approve filing a claim. Commissioner Scott **seconded** the motion. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF RESOLUTION: FLATHEAD COUNTY RETAIN TAX DEED PROPERTIES/ PORTION OF ASHLEY CREEK; PORTION OF VONDERHEIDE LANE; PORTION OF SHAWNEE DRIVE

10:01:00 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Plat Room Senior Land Specialists Sheena Sterling & Karen Yerian, Clerk Kile

Sterling reported a resolution was approved in November to take three properties on tax deed. She explained after the county approves the resolution they have six months to enter into another resolution to either sell, donate or retain ownership. Sterling said since the properties are not of any value the resolution is to retain ownership.

Commissioner Scott made a **motion** to approve Resolution 2374A/ Flathead County to retain tax deed properties. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

RESOLUTION NO. 2374A

WHEREAS, on November 14, 2013, the Flathead County Commissioners issued Resolution 2374 directing the County Treasurer to issue a tax deed to Flathead County for each of the properties listed on Exhibit A that was attached to the Resolution;

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(Continued)

WHEREAS, it is the duty of the board of county commissioners to enter an order to sell, donate, or retain land acquired by tax deed; and

WHEREAS, the three tracts of land list on Exhibit A attached to Resolution 2374 remain in Flathead County's ownership;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the tracts of land listed on Exhibit A attached to this Resolution shall be retained by Flathead County.

Dated this 14th day of January, 2014.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Pamela J. Holmquist
Pamela J. Holmquist, Chairman

By/s/Calvin L. Scott
Calvin L. Scott, Member

By/s/Gary D. Krueger
Gary D. Krueger, Member

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Exhibit A

<u>Assessor No.</u>	<u>Description</u>
0007768	Lot 8 excepting Lots 8A & 8B of Block 4 of Ashley all in Section 18, Township 28 North, Range 21 West (Portion of Ashley Creek, may also include a small island)
0161250	Tract 7 in Government Lot 2 of Section 31, Township 28 North, Range 22 West (Portion of Vonderheide Lane)
0595530	Tract 2CA in the Southeast Quarter of the Southeast Quarter of Section 13, Township 27 North, Range 20 West (Portion of Shawnee Drive)

BOARD APPOINTMENT: ROGERS LAKE LAND USE ADVISORY COMMITTEE

10:02:00 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Clerk Kile

Commissioner Scott made a **motion** to appoint Patti Mason to Rogers Lake Land Use Advisory Committee. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

PRELIMINARY PLAT: TRUMBULL CREEK CROSSING, PHASES 2-5

10:02:00 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Planner Alex Hogle, Andy Hyde, Erica Wirtala, Clerk Kile

Hogle entered into record Staff Report FPP 13-04; an application submitted by NW Dev Group, LLC with technical assistance from Sands Surveying and Carver Engineering for preliminary plat approval of Trumbull Creek Crossing, Phases 2-5. A major subdivision consisting of four phases for a total of 113 lots reviewed for single family residential use located north of East Reserve and east of Highway 2. Hogle further reviewed access to the subdivision; summarized road design for the phasing plan; spoke about an area mapped floodplain; reviewed the requirement pertaining to connecting to Evergreen Water & Sewer; discussed signage requirements.

Wirtala stated the applicant is in agreement with the staff report that supports Trumbull Creek Crossing. She pointed out there was discussion during the Planning Board meeting regarding tweaking language in conditions. Wirtala noted with each phase there is a three year timeline with the opportunity to request extensions; with the four phases they could be out 12 – 15 years.

General discussion was held relative to past procedures regarding consideration of public comment.

Discussion included concerns pertaining to Condition 23 and 24 with regard to internal and external roads; Kalispell's standards pertaining to curbs, gutters, sidewalks, boulevards and lighting.

Commissioner Scott made a **motion** to approve Findings of Fact for Trumbull Creek Crossing, Phases 2-5. Commissioner Krueger **seconded** the motion. Motion carried unanimously.

Commissioner Krueger made a **motion** to approve with the conditions recommended by the Planning Board. Commissioner Scott **seconded** the motion. Motion carried unanimously.

1. The applicant shall receive physical addresses in accordance with Flathead County Resolution #1626C. All road names shall appear on the final plat. Street addressing shall be assigned by Flathead County. [Section 4.7.16(g)(iv), 4.7.26(c) Flathead County Subdivision Regulations (FCSR)]
2. The applicant shall comply with reasonable fire suppression and access requirements of the Evergreen Fire District. A letter from the fire chief stating that the plat meets the requirements of the fire District (or Department) shall be submitted with the application for Final Plat. [Section 4.7.26(b), FCSR]
3. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Weed Control Plan and a letter from the County Weed Supervisor stating that the Weed Control Plan has been approved shall be submitted with the final plat. [Section 4.7.25, FCSR]
4. Design and construction of all internal subdivision roads shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the *Flathead County Minimum Standards for Design and Construction*, as applicable. [Sections 4.7.16, 4.7.17 FCSR]
5. With the application for final plat, the applicant shall provide a compliant Road Users' Agreement or CC&R document which requires each property owner to bear his or her pro-rata share for maintenance of the roads within the subdivision and for any integral access roads lying outside the subdivision. [Section 4.7.15(e), FCSR]

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6. All utilities shall be extended underground to abut and be available to each lot, in accordance with a plan approved by the applicable utility providers. [Section 4.7.23, FCSR]
7. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed and approved as applicable by the Evergreen Water and Sewer District, the Flathead City-County Health Department, and approved by the Montana Department of Environmental Quality. [Section 4.7.12, 4.7.20, 4.7.21 FCSR]
8. The mail delivery site shall be provided with the design and location approved by the local postmaster of USPS. A letter from the postmaster stating that the applicant has met their requirements shall be included with the application for final plat. [Section 4.7.28, FCSR]
9. In order to assure the provisions for collection and disposal of solid waste, the developer shall submit a letter from the applicable solid waste contract hauler stating that the hauler is able to provide service to the proposed subdivision. [Section 4.7.22, FCSR]
10. The following statements shall be placed on the face of the final plat applicable to all lots:
 - a. All road names shall be assigned by the Flathead County Address Coordinator and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
 - b. All utilities shall be placed underground. [Section 4.7.23, FCSR]
 - c. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
 - d. Solid Waste removal for all lots shall be provided by a contracted solid waste hauler. [Section 4.7.22, FCSR]
 - e. Lot owners are bound by the Weed Control Plan to which the developer and the Flathead County Weed Department agreed. [4.7.25, FCSR]
11. The final plat shall comply with state surveying requirements. [Section 76-3-608(b)(i), M.C.A.]
12. The owners shall abide by the guidelines set forth in the approved Dust and Air Pollution Control and Mitigation Plan during and after site construction and development activities. [Section 4.7.14, FCSR]
13. All road names shall be approved by Flathead County and clearly identified and house numbers will be clearly visible from the road, either at the driveway entrance or on the house. House numbers shall be at least four inches in length per number. [Section 4.7.26(c), FCSR]
14. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Flathead County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
15. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the County Commissioners. [Section 4.0.16, FCSR]
16. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [Section 4.1.13, FCSR]
17. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). [Section 4.1.11 FCSR]
18. The proposed phasing plan shall be implemented in accordance with the requirements of Section 4.4.2 of the Flathead County Subdivision Regulations; each development phase submitted for final plat review and approval shall be required to meet all conditions of approval established or identify where certain conditions have been previously met or are not applicable to the particular phase.
19. A total of 2.09 acres (minimum) of land shall be dedicated as parkland and maintained by the Homeowner's Association in accordance with the provisions of Section 4.7.24(d)(ii) FCSR, and shall be designated on the face of the final plat. The dedication of open space in conjunction with the proposed Weimer Park may be made over the course of multiple phases of development, in accordance with the proposed phasing plan submitted with the application materials.
20. The proposed extensions and connections of the public water and sewer systems shall comply with the standards and requirements of the Evergreen Water and Sewer District and shall be in accordance with the specific terms and conditions established in any Interlocal Agreement(s) between the City of Kalispell and Flathead County Water and Sewer District No. 1 (Evergreen) and the terms of usage established by either the interim 2006 policy defined in City of Kalispell Resolution No. 5103, which is still in effect December 2013, or whatever policy might later be adopted by the City of Kalispell to replace Resolution No. 5103. A letter from the District stating that the water and sewer improvements for each subdivision phase meet the District requirements shall be submitted with the application for Final Plat of each phase. [Sections 4.7.20, 4.7.21 FCSR]
21. The proposed water supply for fire suppression and hydrants onsite shall meet all applicable requirements set forth in Section 4.7.26(a) of the Flathead County Subdivision Regulations.
22. Prior to final plat approval of the first phase (Phase 2), the applicant shall provide evidence that all applicable water right requirements of the Department of Natural Resources Water Resources Division have been met.
23. A stop sign shall be installed at the intersections of Rose Crossing and the off-site road extending to Rose Crossing. The appropriate traffic control signs required at the intersections of the internal roads shall be determined by the Design Engineer in consultation with Flathead County Sheriff's Department and Flathead County Road Department, and shall be installed in accordance with the standards outlined in Section 2-05 of the *Flathead County Minimum Standards for Design and Construction*, as applicable to ensure safe and efficient traffic flow to, from, and within the proposed subdivision. [Sections 4.7.16, 4.7.17 FCSR]
24. The applicant shall show proof of a completed approach permit from the Flathead County Road and Bridge Department for the approach of the proposed Phase 4 off-site road extending to Rose Crossing indicating the approach has been built and received final inspection and final approval. [Section 4.7.16, FCSR]
25. All permits including a Section 404 Permit, 310 Permit, 318 Authorization, and a Floodplain Development Permit are required to be obtained prior to construction of the road crossing of Trumbull Creek and its associated delineated jurisdictional wetlands and delineated 100 year floodplain in conjunction with development of the proposed Phase 4 off-site road extending to Rose Crossing. A copy of the permits shall be available upon request and submitted prior to final plat approval of the particular phase in which the road is constructed.
26. The design and construction of the off-site road extending to Rose Crossing, proposed as a Phase 4 improvement, shall be certified by a licensed engineer and constructed and paved as proposed in accordance with the Flathead County Minimum Standards for Design and Construction, as applicable. [Sections 4.7.16, 4.7.17 FCSR]
27. The delineated SFHA 100-year floodplain and Base Flood Elevation shall be shown and labeled as a 'No Build Zone' on the face of the final plat. [Sections 4.7.5(a & d) and 4.7.9 FCSR]
28. The Riparian Resource Management Plan shall comply with 4.7.11 FCSR and be approved by the Commission. The 100-foot vegetative buffer identified in the plan shall be shown and labeled as a 'No Build Zone' on the face of the final plat. [Section 4.7.11, FCSR]
29. The following statement shall appear on the face of the final plat:
 - f. All lots within Trumble Creek Crossing Phases 2-5 Subdivision may be subject to seasonal high ground water which may result in flooding of basements. Construction of basements on any Lot is not advised.
30. The concurrently proposed zoning map amendment from SAG-10 to R-4 shall be adopted by Final Resolution of the Flathead County Board of Commissioners prior to final plat approval in order that the proposed subdivision is compliant with applicable local zoning.

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(Continued)

MONTHLY MEETING W/ ELIZABETH BROOKS & CINDY MULLANEY, OES AND LINCOLN CHUTE, FIRE SERVICES AREA MANAGER

10:31:00 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, OES Director Elizabeth Brooks, Deputy OES Director Cindy Mullaney, Fire Services Area Manager Lincoln Chute, Clerk Kile

Brooks reported on progress made with staffing at the Flathead 911 Emergency Communications Center and spoke about training.

Mullaney presented an update on activities at the Office of Emergency Services. She spoke about contract negotiations for the PDM update; reported an RFP for the Whitefish Stage slope stabilization project will be sent out; spoke about threat and hazard identification risk assessments; summarized training exercises pending; spoke about public education involvement.

Chute spoke about wildland training; reported the Ashley Lake project is nearing completion; spoke about defensible space grant funding.

AUTHORIZATION TO PUBLISH RFP: WHITEFISH STAGE SLOPE STABILIZATION PROJECT

10:57:49 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Deputy County Attorney Tara Fugina, Deputy OES Director Cindy Mullaney, Clerk Kile

Commissioner Krueger made a **motion** to authorize publication of an RFP/ Whitefish Stage slope stabilization project. Commissioner Scott **seconded** the motion. Motion carried unanimously.

**AUTHORIZATION TO PUBLISH
REQUEST FOR PROPOSAL (RFP)
FOR ENGINEERING SERVICES**

The Flathead County Board of Commissioners is requesting statement of qualification proposals from firms interested in providing engineering services to Flathead County pursuant to the requirements of Section 18-8-201 *et seq.*, M.C.A. Services needed include final design engineering and construction management, site survey, final geotechnical investigation with analysis and recommendations, slope mitigation, drainage, and pond sediment removal design, sanitary sewer hookup design, stormwater best management practices and design, construct drainage and fill to reconstruct slope, repair storm water pipe, remove pond sediment and repair gravel access road, construct and hook 3 residences to sanitary sewer, vegetate areas disturbed during construction, construction monitoring, observation and reporting. Construction will ideally begin in the spring of 2014.

Copies of the detailed RFP, including a description of services to be provided by respondents, the minimum content of responses and the factors used to evaluate the responses can be found on the Flathead County OES webpage at: <http://flathead.mt.gov/oes/> or by contacting **Cindy Mullaney, Flathead County OES, 758-5504, cindy.mullaney@flatheadoes.mt.gov**. All proposals must be submitted to the Flathead County Office of Emergency Services by **5:00 pm on February 12, 2014**.

Flathead County is an Equal Opportunity Employer.

Dated the 14th day of January, 2014.

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Pamela J. Holmquist
Pamela J. Holmquist, Chairman

Publish on January 18 and January 25 2014.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 15, 2014.

WEDNESDAY, JANUARY 15, 2014
Audiofile

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

Chairman Holmquist led the Pledge of Allegiance.

Chairman Holmquist opened public comment on matters within the Commissions' Jurisdiction. No one rising to speak, Chairman Holmquist closed the public comment period.

**WEDNESDAY, JANUARY 15, 2014
(Continued)**

**DOCUMENT FOR SIGNATURE: LETTER OF SUPPORT FOR CITY OF KALISPELL EPA BROWNFIELDS ASSESSMENT
GRANT APPLICATION**

8:50:54 AM

Present: Chairman Pamela J. Holmquist, Commissioner Calvin L. Scott, Commissioner Gary D. Krueger, Assistant Mike Pence, Clerk Kile

Commissioner Krueger made a **motion** to approve the document for signature. Commissioner Scott **seconded** the motion. Motion carried unanimously.

9:00 a.m. JPIA Mid-Policy Review Webinar @ Commissioners' Chambers
9:15 a.m. RSVP Board meeting @ Heritage Place
11:00 a.m. County Attorney meeting @ Co. Atty's Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 16, 2014.

THURSDAY, JANUARY 16, 2014

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

1:00 p.m. Commissioner Holmquist: Health Board meeting @ Earl Bennett Building

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 17, 2014.

FRIDAY, JANUARY 17, 2014

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Holmquist, Commissioner Scott and Krueger, and Clerk Robinson were present.

NO MEETINGS SCHEDULED

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on January 20, 2014.
